

REMARKS

The Examiner has withdrawn the finality of the previous office action, dated April 17, 2007, and upon reconsideration has withdrawn the notice of allowable subject matter in regards to several claims. The Examiner has considered the amendments made by Applicants' responses dated January 25, 2007 and June 6, 2007 and has rejected claims 1, 5, 8-11, 15-16, 19 and 22 under §102(e) as anticipated by Filippini (US PG Pub 2004/0176263). Applicants respectfully disagree.

Applicants hereby state that this patent application and the above identified reference have been and are commonly owned at the time of the invention and when the application was made. Applicants have previously filed a terminal disclaimer, with the January 25, 2007 response, in compliance with 37 C.F.R. 1.321(c) to overcome any actual or provisional rejection for double patenting, as the reference is commonly owned with this application.

Furthermore, Applicants are filing an affidavit under 37 C.F.R. §1.132 with this amendment to make a showing that the invention disclosed in the reference was derived from the inventor of this application and is thus not an invention "by another". Therefore, this precludes rejections under 35 U.S.C. §103(a) and §102(e), (f) and (g) based upon the commonly assigned case. Accordingly, Applicants respectfully request that the §102(e) rejections based on Filippini (US PG Pub 2004/0176263) be removed.

In view of the foregoing remarks, Applicants respectfully request allowance of all of the claims in the application. If for any reason the Examiner believes a telephone conference would expedite the prosecution of this application, I can be reached at the number below.

If any fees are due, the Commissioner is authorized to charge such fee to our Deposit Account No. 12-2275.

Respectfully submitted,

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